

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FORTAS R. HAZELWOOD,

Plaintiff,

v.

Case No. 03-C-718

**CITY OF MILWAUKEE
FIRE AND POLICE COMMISSION,**

Defendant.

DECISION AND ORDER

The defendant, City of Milwaukee Fire and Police Commission, filed a motion for summary judgment and dismissal on July 12, 2005. The plaintiff, Fortas R. Hazelwood, did not file a response, even though his response was due on August 15, 2005. The Court sent Hazelwood a letter, notifying him that if he did not file a response by September 2, 2005, the Court would dismiss his case for failure to prosecute. Over a month has passed, and Hazelwood has not filed his response. Thus, pursuant to Civil Local Rule 41.3 (E.D. Wis.) and Federal Rule of Civil Procedure 41(b), the Court dismisses Hazelwood's action against the defendant without prejudice.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

The action *Hazelwood v. City of Milwaukee Fire and Police Commission*, Case No. 03-C-718, is **DISMISSED** without prejudice for lack of prosecution.

The clerk is ordered to enter judgment and close this case accordingly.

Dated at Milwaukee, Wisconsin this 7th day of October, 2005.

BY THE COURT

s/ Rudolph T. Randa

Hon. Rudolph T. Randa

Chief Judge